

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAMON NAVARRO LUPERCIO,

Petitioner,

v.

ANDREW REED FLIER,

Respondent.

Case No. 23-cv-02241 NC (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner at San Quentin State Prison, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See* Dkt. No. 1 (“Petition”). Petitioner challenges his state conviction from the Superior Court of Tulare County. *Compare id.* at 2 (stating his filing “concerns a conviction”), 4, 8 (showing Petitioner intends to challenge his conviction in “CASE-NO-VCF-094656-02”) *with id.*, Exs., *passim* (showing Petitioner was tried and convicted in Case Number 94656, filed in 2002 in Tulare County). Petitioner originally filed the Petition in the United States District Court for the Eastern District of California, and that court transferred the instant action to this District. *See* Pet. at 1.

Venue for a habeas action is proper in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). However, petitions challenging a conviction or sentence are

1 preferably heard in the district of conviction. *See* Habeas L.R. 2254-3(b)(1); *Laue v. Nelson*, 279
2 F. Supp. 265, 266 (N.D. Cal. 1968). Here, because petitioner challenges a conviction from Tulare
3 County, the Eastern District of California is the district of conviction. *See* 28 U.S.C. § 84(b).

4 Accordingly, this case is **TRANSFERRED** to the United States District Court for the
5 Eastern District of California. *See* 28 U.S.C. § 1406(a). The Clerk shall terminate all pending
6 motions and transfer the entire file to the Eastern District of California.

7 **IT IS SO ORDERED.**

8 DATED: May 25, 2023



NATHANAEL M. COUSINS
United States Magistrate Judge

United States District Court
Northern District of California